

EXECUTIVE JOURNAL OF THE SENATE OF THE UNITED STATES.

[At a session specially called by the President of the United States, commencing at 12 o'clock meridian, on Tuesday, 4th March, 1851.]

TUESDAY, MARCH 4, 1851.

To the Senators of the United States, respectively:

SIR: Whereas divers and weighty causes connected with executive business necessary to be transacted create an extraordinary occasion requiring that the Senate be convened, you are therefore requested, as a member of that body, to attend a meeting thereof, to be holden at the Capitol, in the city of Washington, on the 4th day of March, instant.

MILLARD FILLMORE.

WASHINGTON, *March 3, 1851.*

In conformity with the above recited summons from the President of the United States, the Senate assembled in their Chamber in the city of Washington.

PRESENT:

From the State of New Hampshire.

The honorable { John P. Hale,
 Moses Norris.

From the State of Massachusetts.

The honorable John Davis.

From the State of Rhode Island and Providence Plantations.

The honorable John H. Clarke.

From the State of Connecticut.

The honorable Truman Smith.

From the State of Vermont.

The honorable William Upham.

From the State of New York.

The honorable William H. Seward.

From the State of New Jersey.

The honorable Jacob W. Miller.

From the State of Pennsylvania.

The honorable James Cooper.

From the State of Delaware.

The honorable Presley Spruance.

From the State of Maryland.

The honorable { James A. Pearce,
 } Thomas G. Pratt.

From the State of Virginia.

The honorable { Robert M. T. Hunter,
 } James M. Mason.

From the State of North Carolina.

The honorable { George E. Badger,
 } Willie P. Mangum.

From the State of South Carolina.

The honorable { Andrew P. Butler,
 } R. Barnwell Rhett.

From the State of Georgia.

The honorable { John McPherson Berrien,
 } William C. Dawson.

From the State of Kentucky.

The honorable { Henry Clay,
 } Joseph R. Underwood.

From the State of Tennessee.

The honorable John Bell.

From the State of Ohio.

The honorable Salmon P. Chase.

From the State of Louisiana.

The honorable { Solomon W. Downs,
 } Pierre Soulé.

From the State of Indiana.

The honorable { Jesse D. Bright,
 { James Whitcomb.

From the State of Mississippi.

The honorable { Jefferson Davis,
 { Henry S. Foote.

From the State of Illinois.

The honorable { Stephen A. Douglas,
 { James Shields.

From the State of Alabama.

The honorable { Jeremiah Clemens,
 { William R. King.

From the State of Maine.

The honorable { James W. Bradbury,
 { Hannibal Hamlin.

From the State of Missouri.

The honorable David R. Atchison.

From the State of Arkansas.

The honorable { Solon Borland,
 { William K. Sebastian.

From the State of Michigan.

The honorable { Lewis Cass,
 { Alpheus Felch.

From the State of Florida.

The honorable Jackson Morton.

From the State of Texas.

The honorable { Sam Houston,
 { Thomas J. Rusk.

From the State of Iowa.

The honorable { Augustus C. Dodge,
 { George W. Jones.

From the State of Wisconsin.

The honorable { Henry Dodge,
 { Isaac P. Walker.

From the State of California.

The honorable William M. Gwin.

The Senate was called to order by the honorable William R. King, President *pro tempore*.

The credentials of the following Senators having been heretofore read, the oath prescribed by law was administered to them, and they took their seats in the Senate, to wit:

The honorable Jesse D. Bright, from the State of Indiana.
 The honorable James A. Bayard, from the State of Delaware.
 The honorable Lewis Cass, from the State of Michigan.
 The honorable Jefferson Davis, from the State of Mississippi.
 The honorable Hannibal Hamlin, from the State of Maine.
 The honorable James M. Mason, from the State of Virginia.
 The honorable Thomas G. Pratt, from the State of Maryland.
 The honorable Thomas J. Rusk, from the State of Texas.
 The honorable Henry Dodge, from the State of Wisconsin.

On motion by Mr. Rusk,

Ordered, That the daily hour of meeting, unless otherwise ordered, be twelve o'clock meridian.

Mr. Berrien submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That a committee, consisting of two members, be appointed to wait on the President of the United States and inform him that the Senate is assembled and ready to receive any communications he may be pleased to make.

On motion,

Ordered. That the committee be appointed by the President *pro tempore*; and

Mr. Berrien and Mr. Hunter were appointed.

Mr. Hamlin submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the committees of the Senate at the executive session shall be formed and constituted the same as at the last session of Congress, except where vacancies have occurred by the expiration of the term of any Senator, and in such cases said vacancies shall be filled by the Chair.

On motion by Mr. Cass,
 The Senate adjourned.

WEDNESDAY, MARCH 5, 1851.

A quorum of the Senate being assembled, the President of the Senate *pro tempore* took the chair and directed the galleries to be cleared.

Mr. Badger desired, before the execution of this order, to submit a resolution.

The President *pro tempore* decided that, before the galleries were cleared and the doors closed, no resolution could be received.

From this decision Mr. Badger appealed.

A debate having ensued upon this appeal,

Mr. Bright called for the reading of the Journal of yesterday; and
 The Journal was read.

The honorable Richard Brodhead, whose credentials were read the 17th of January last, appeared, and the oath prescribed by law was administered to him, and he took his seat in the Senate.

Mr. Berrien, from the committee appointed to wait on the President of the United States and inform him that the Senate is assembled and ready to receive any communication he may be pleased to make, reported that they had performed the duty assigned them, and that the

President replied that he would this day make a communication to the Senate.

The debate on the appeal having been resumed,

The President *pro tempore* stated that, it appearing to be the sense of the Senate that the Senate could act with open doors upon business not purely of an executive nature, he withdrew his order for clearing the galleries, and that the resolution proposed to be submitted could be received.

From this decision Mr. Bright appealed; and

The question being put, Is the decision of the Chair correct?

It was determined in the affirmative, { Yeas..... 41
Nays 4

On motion by Mr. Clarke,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Atchison, Badger, Bayard, Berrien, Bolland, Bradbury, Brodhead, Butler, Cass, Chase, Clarke, Clay, Clemens, Cooper, Davis of Massachusetts, Davis of Mississippi, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Foote, Gwin, Hale, Hunton, Jones, Mangum, Mason, Miller, Morton, Norris, Pearce, Rhett, Rusk, Sebastian, Seward, Shields, Smith, Soulé, Underwood.

Those who voted in the negative are,

Messrs. Bright, Walker, Whitcomb.

Whereupon

Mr. Badger submitted the following resolution for consideration:

Resolved, That each member of the Senate be supplied with twelve additional copies of the Congressional Globe and Appendix of the first and second sessions of the Thirtieth Congress and of the first session of the Thirty-first Congress, and that the Secretary cause the same to be bound.

Mr. Seward submitted the following resolution for consideration:

Resolved, That the Senate is not restricted at this session to the consideration of matters purely executive, and that such consideration may be extended to all matters proper to be transacted by the Senate without the co-operation of the House of Representatives.

Mr. Clarke submitted the following resolutions for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, in addition to the information called for by resolution of the Senate passed on the 3d day of January, 1849, a statement of the navigation and commerce between foreign countries with whom we have no treaties of reciprocity and the United States since the year 1821, particularly with France, Spain, and Portugal, and the dependencies of each, and with the Republics of Mexico and Hayti.

Resolved, That whenever the information called for by the said resolution of January 3, 1849, together with the information called for by the foregoing resolution, shall have been fully prepared the Secretary of the Treasury be hereby directed to cause the same to be printed in proper form and bound, and that two thousand copies of the same be published, to be disposed of hereafter by the Senate.

Mr. Davis, of Massachusetts, submitted the following resolution for consideration:

Resolved, That the Secretary of the Treasury be instructed to report to the Senate, at the commencement of the next session of Congress, the number of steamers in each collection district, their tonnage, the number of officers, crew, and other persons employed on board the same; the number of passengers carried on board the same annually; the average

distance each passenger is carried; arranging ocean steamers in one class, propellers in another, ferry-boats in another, and ordinary steamers in another; stating the number propelled by high-pressure and the number by low-pressure engines.

Mr. Foote submitted the following resolution for consideration:

Resolved, That the opinions of the Supreme Court, ordered to be printed by the Senate in executive session of 1849, be referred to the Attorney-General, along with contracts for the printing of the Thirty-first Congress; and that the Secretary of the Senate be, and he is hereby, authorized to pay the printer of the said opinions out of the contingent fund of the Senate the sum which the Attorney-General may adjudge to be the price of the same under the contract, first deducting therefrom the sum heretofore paid in that behalf: *Provided*, That the said printer will first enter into an agreement to refund the difference between the amount adjudged to be due by the Attorney-General and the amount heretofore received in case the Attorney-General should fix the price of the said printing lower than that heretofore received.

Mr. Foote submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be, and he is hereby, instructed to pay for the printing of the Thirty-first Congress which has been or may be executed by order of the Senate, except the opinions of the Supreme Court, out of the contingent fund of the Senate at one-half the rates established by the joint resolution of 1819, the sums heretofore paid under the contracts being considered as part payment.

Mr. Pearce submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the President of the Senate fill the vacancy in the Board of Regents of the Smithsonian Institution occasioned by the expiration, on the 3d day of March, 1851, of the term of the honorable Jefferson Davis, a member of the said Board.

Mr. Clay submitted the following resolution:

Resolved, That there be paid out of the contingent fund of the Senate to each of the officers, clerks, messengers, pages, and laborers in the employment of the Senate the same amount of compensation allowed them at the last session of the Thirtieth Congress; and that the messengers and pages be continued for the period of two months from the termination of the present session for the purpose of folding and transmitting documents ordered to be printed for the use of the Senate.

The resolution was read.

On motion,

Ordered, That it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. Downs submitted the following resolution for consideration:

Resolved, That the Secretary of War furnish the Senate, at its next session, with all the reports which accompanied the survey of the mouth of the Mississippi in 1838, which have not yet been furnished or printed, with a reduced map of the same.

Mr. Borland submitted the following resolution:

Resolved, That the Secretary of the Senate purchase for the use of the Senate — thousand copies of the first part, and — thousand copies of the second part of the Report of the Commissioner of the Patent Office for 1850 from the printer who shall print the same documents under the order of the last session of the House of Representatives, at a price not exceeding the rate at which said documents shall be paid for under said order of the House.

The resolution was read the first time.

Mr. Norris submitted the following resolution:

Resolved, That the clerk of the Committee of Claims, appointed by said committee under a resolution of the Senate of the 3d January, 1850, be continued through the vacation, and that he be employed in completing a classified index and digest of their reports heretofore made.

Mr. Mangum submitted the following resolution for consideration:

Resolved by the Senate, That two thousand of the extra numbers of Professor Espy's report on meteorology, ordered to be printed by the Senate, be placed at the disposal of Professor Espy, to enable him to supply his meteorological correspondents with each a copy.

The President *pro tempore* announced the appointment of the following members to fill the vacancies on the several committees, in pursuance of the resolution of the Senate:

Committee on Foreign Relations—The honorable Mr. Clarke.

Committee on Finance—The honorable Mr. Geyer and the honorable Mr. Douglas.

Committee on Military Affairs—The honorable Mr. Bayard.

Committee on Naval Affairs—The honorable Mr. Stockton.

Committee on Public Lands—The honorable Mr. Mangum.

Committee on Private Land Claims—The honorable Mr. Rhett.

Committee on Indian Affairs—The honorable Mr. Clarke.

Committee of Claims—The honorable Mr. Foot, of Vermont.

Committee on the Judiciary—The honorable Mr. Cooper.

Committee on Roads and Canals—The honorable Mr. Jones.

Committee on Pensions—The honorable Mr. Brodhead and the honorable Mr. Stockton.

Committee on the District of Columbia—The honorable Mr. Morton.

Committee on Patents and the Patent Office—The honorable Mr. Bell and the honorable Mr. Bayard.

On motion the Senate proceeded to the consideration of executive business.

The following message was received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate of the United States:

Sundry nominations having been made during the last session of the Senate which were not finally disposed of, I hereby nominate anew each person so nominated at the last session whose nomination was not finally acted on before the termination of that session to the same office for which he was nominated as aforesaid.

MILLARD FILLMORE.

WASHINGTON, March 4, 1851.

Mr. Foote submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the nominations referred to in the President's message received this day be resumed in the state in which they were left at the close of the late session of the Senate.

The following messages received on the 1st and 3d instant were read:

To the Senate of the United States:

I nominate the officers named in the accompanying list for regular promotion in the Army of the United States to the several grades annexed to their names, as proposed by the Secretary of War.

MILLARD FILLMORE.

WASHINGTON, February 27, 1851.

WAR DEPARTMENT, *February 27, 1851.*

SIR: I have the honor to propose for your approbation the annexed list of officers for regular promotion in the Army of the United States.

I am, sir, with great respect, your ob't serv't,

C. M. CONRAD,

Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 27, 1851.

SIR: I have the honor respectfully to lay before you a list of regular promotions in the Army, supplemental to that submitted yesterday.

Hon. C. M. CONRAD,

Secretary of War.

The additional list becomes necessary in consequence of information having just been received of the death, the 22d instant, of Captain I. S. K. Reeves, of the 1st Artillery.

The two senior first lieutenants of the regiment (Wayne, assistant quartermaster, and McDowell, assistant adjutant-general) have signified their intention of remaining in the staff. The next senior (Haskin), who is also a captain in the staff, elects to retain his regimental commission.

I am, sir, very respectfully, your ob't servant,

R. JONES,

Adjutant-General.

WAR DEPARTMENT, *February 27, 1851.*

REGULAR PROMOTIONS IN THE ARMY OF THE UNITED STATES.

First Regiment of Artillery.

First Lieutenant Joseph A. Haskin to be captain, February 22, 1851, vice Reeves, deceased, and Wayne (assistant quartermaster) and McDowell (assistant adjutant-general), who vacate their regimental commissions.

Second Lieutenant Daniel M. Beltzhoover to be first lieutenant, February 22, 1851, vice Wayne, assistant quartermaster, who vacates his regimental commission.

Second Lieutenant Otis H. Tillinghast to be first lieutenant, February 22, 1851, vice McDowell, assistant adjutant-general, who vacates his regimental commission.

Second Lieutenant James B. Fry to be first lieutenant, February 22, 1851, vice Haskin, promoted.

Brevet Second Lieutenant Adam J. Slemmer to be second lieutenant, February 22, 1851, vice Beltzhoover, promoted.

Brevet Second Lieutenant Richard Arnold to be second lieutenant, February 21, 1851, vice Tillinghast, promoted.

Brevet Second Lieutenant Amos Beckwith to be second lieutenant, February 22, 1851, vice Fry, promoted.

To the Senate of the United States:

I hereby nominate John A. Bennett to be consul of the United States at Bogota, in New Granada.

MILLARD FILLMORE.

WASHINGTON, *February 28, 1851.*

To the Senate of the United States:

I hereby nominate Jonathan Tittle, postmaster at Stockton, in the State of California, to be deputy postmaster at the place aforesaid.

I also nominate Richard A. Edes, postmaster at Sacramento City, in the said State of California, to be deputy postmaster at the place last aforesaid.

MILLARD FILLMORE.

FEBRUARY 28TH, 1851.

To the Senate of the United States:

I hereby nominate James C. Robinson, postmaster at Bath, in the State of New York, to be deputy postmaster at the place aforesaid.

MILLARD FILLMORE.

WASHINGTON, *March 1, 1851.*

To the Senate of the United States:

I hereby nominate Thomas Hayward to be deputy postmaster at Tallahassee, in the State of Florida, in place of Miles Nash, whose commission as such deputy postmaster has expired.

MILLARD FILLMORE.

MARCH 1, 1851.

To the Senate of the United States:

I hereby nominate W. F. Boone, of Pennsylvania, to be consul of the United States at Realejo, in Nicaragua.

MILLARD FILLMORE.

WASHINGTON, *1 March, 1851.*

To the Senate of the United States:

I withdraw the nomination of John B. Ashe as surveyor and inspector of the revenue for the port of Velasco, in the State of Texas, and nominate Samuel Harris to same office from 3d March instant, when his present commission will expire.

MILLARD FILLMORE.

WASHINGTON, *1 March, 1851.*

To the Senate of the United States:

I nominate to the Senate John B. Kerr, of Maryland, to be chargé d'affaires of the United States to the Government of New Granada; and

Thomas A. R. Nelson, of Tennessee, to be commissioner of the United States in China.

MILLARD FILLMORE.

WASHINGTON, *1st March, 1851.*

To the Senate of the United States:

I nominate Allen F. Owen, of Georgia, to be consul of the United States at Havana, in the Island of Cuba.

MILLARD FILLMORE.

WASHINGTON, *1 March, 1851.*

To the Senate of the United States:

I nominate John M. Edwards to be receiver of the land office in the Kalamazoo land district, Michigan.

MILLARD FILLMORE.

WASHINGTON, *March 1st, 1851.*

To the Senate of the United States:

I nominate the officers named in the accompanying list for brevet promotion in the Army of the United States, as proposed by the Secretary of War.

MILLARD FILLMORE.

WASHINGTON, March 1, 1851.

WAR DEPARTMENT, March 1, 1851.

SIR: I have the honor respectfully to propose for your approbation the accompanying list of officers for brevet promotion in the Army of the United States.

I am, sir, with great respect, your ob't serv't,

C. M. CONRAD,
Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, March 1, 1851.

Officers recommended for brevets for gallant and meritorious services from the respective dates set opposite their names:

Second Lieutenant Alfred Gibbs, of the Regiment of Mounted Riflemen (1st lieutenant by brevet, April 18, 1847), to be captain by brevet, September 13, 1847—gallant conduct Garita of Belen.

First Lieutenant Samuel S. Anderson, of the Second Regiment of Artillery (captain by brevet, September 8, 1847), to be major by brevet, September 13, 1847—gallant conduct at Chapultepec.

First Lieutenant George P. Andrews, of the Third Regiment of Artillery (captain by brevet, September 8, 1847), to be major by brevet, September 13, 1847—gallant conduct at Chapultepec.

First Lieutenant George W. Rains, of the Fourth Regiment of Artillery (captain by brevet, August 20, 1847), to be major by brevet, September 13, 1847—gallant conduct at Chapultepec.

Captain John H. Gore, of the Fourth Regiment of Infantry (captain by brevet, August 20, 1847), to be major by brevet, September 8, 1847—gallant conduct at Molino del Rey.

First Lieutenant Thomas R. McConnell, of the Fourth Regiment of Infantry (first lieutenant by brevet, September 8, 1847), to be captain by brevet, September 13, 1847—gallant conduct at Chapultepec.

First Lieutenant Ulysses S. Grant, of the Fourth Regiment of Infantry (first lieutenant by brevet, September 8, 1847), to be captain by brevet, September 13, 1847—gallant conduct at Chapultepec.

Captain Sterne H. Fowler, of the Fifth Regiment of Infantry (captain by brevet, August 20, 1847), to be major by brevet, September 8, 1847—gallant conduct at Molino del Rey.

Second Lieutenant Simon B. Buckner, of the Sixth Regiment of Infantry, to be first lieutenant by brevet, August 20, 1847—gallant conduct at Churubusco; and captain by brevet, September 8, 1847—gallant conduct at Molino del Rey.

First Lieutenant Edward Johnson, of the Sixth Regiment of Infantry (captain by brevet, September 8, 1847), to be major by brevet, September 13, 1847—gallant conduct at Chapultepec.

First Lieutenant John H. Lendrum, of the Third Regiment of Artillery (first lieutenant by brevet, August 20, 1847), to be captain by brevet, September 13, 1847—gallant conduct at Chapultepec.

Second Lieutenant Junius N. Palmer, of the Regiment of Mounted Riflemen (first lieutenant by brevet, August 20, 1847), to be captain by brevet, September 13, 1847—gallant conduct at Chapultepec.

First Lieutenant Philip W. McDonald, of the Second Regiment of Dragoons (captain by brevet, August 20, 1847), to be major by brevet, September 13, 1847—gallant conduct at Chapultepec.

Colonel Bennet Riley, of the First Regiment of Infantry (brigadier-general by brevet, April 18, 1847), to be major-general by brevet, August 20, 1847, for gallant conduct at Contreras.

Lieutenant-Colonel Ethan A. Hitchcock, of the Third Regiment of Infantry (colonel by brevet, August 20, 1847), to be brigadier-general by brevet, September 8, 1847, for gallant conduct at Molino del Rey.

Captain Harvey Brown, of the Fourth Regiment of Artillery (lieutenant-colonel by brevet, August 20, 1847), to be colonel by brevet, September 13, 1847, for gallant conduct at the Gate of Belen.

Captain John H. Winder, of the First Regiment of Artillery (major by brevet, August 20, 1847), to be lieutenant-colonel by brevet, September 14, 1847, for gallant conduct on entering the City of Mexico.

Brevet Captain Edward R. S. Canby, assistant adjutant-general (major by brevet, August 20, 1847), to be lieutenant-colonel by brevet, September 13, 1847, for gallant conduct at the Gate of Belen.

First Lieutenant William T. Sherman, of the Third Regiment of Artillery, to be captain by brevet, for meritorious services in California during the war with Mexico, to date from May 30, 1848.

Brevet Major Oscar F. Winship, assistant adjutant-general, with the rank of major by brevet, December 26, 1847, to be major by brevet, August 20, 1847, for gallant conduct at Churubusco.

First Lieutenant George E. Pickett, of the Eighth Regiment of Infantry (first lieutenant by brevet, August 20, 1847), to be captain by brevet, September 13, 1847, for gallant conduct at Chapultepec.

Captain Abraham C. Myers, of the Quartermaster's Department (major by brevet, May 9, 1846), to be lieutenant-colonel by brevet, August 20, 1847, for gallant conduct at Churubusco.

First Lieutenant Gustavus A. De Russy, of the Fourth Regiment of Artillery (first lieutenant by brevet, August 20, 1847), to be captain by brevet, September 13, 1847, for gallant conduct at Chapultepec.

Captain William H. Gordon, of the Third Regiment of Infantry, to be major by brevet, August 20, 1847, for gallant conduct at Churubusco.

Captain Lewis G. Arnold, of the Second Regiment of Artillery (captain by brevet, August 20, 1847), to be major by brevet, September 13, 1847, for gallant conduct at Chapultepec.

To the Senate of the United States:

I hereby nominate George Evans, of the State of Maine, to be chargé d'affaires of the United States to the Government of Nicaragua.

MILLARD FILLMORE.

WASHINGTON, March 3, 1851.

To the Senate of the United States:

I nominate Charles Bradley, of Massachusetts, Matthias B. Edgar, of New York, John S. Riddle, of Pennsylvania, Hugh Evans of Maryland, to be appraisers-at-large of merchandise.

MILLARD FILLMORE.

WASHINGTON, 3d March, 1851.

To the Senate of the United States:

I nominate Jesse Thomas to be surveyor and inspector of the revenue for the port of Nashville, in the State of Tennessee.

MILLARD FILLMORE.

WASHINGTON, 3d March, 1851.

To the Senate of the United States:

I nominate Joseph R. Ingersoll, of Pennsylvania, Austin F. Hopkins, of Alabama, and James A. Harlan, of Kentucky, to be commissioners to ascertain and settle private land claims in the State of California.

MILLARD FILLMORE.

WASHINGTON, 3d March, 1851.

To the Senate of the United States:

I nominate Captain Ward Marston, of the United States Marine Corps, to be a major by brevet, from the 8th day of October, 1846, for gallant conduct at Dominguez Ranche, in Lower California, and at the battle of Santa Clara, in Upper California.

First Lieutenant William W. Russell, of the United States Marine Corps, to be a captain by brevet, from the 10th day of December, 1847, for meritorious services on the coasts of California and Mexico, and for gallant conduct at Aval, on the southern coast of Mexico.

MILLARD FILLMORE.

WASHINGTON, March 3, 1851.

To the Senate of the United States:

I nominate John C. Clark and Elias S. Terry to be commissioners under the 17th article of the treaty concluded with the Cherokee tribe of Indians, at New Echota, on the 29th day of December, 1835, to adjudicate the claim of the American Board of Commissioners for Foreign Missions for the mission station at Pumpkin Viue, otherwise called High Tower, which has been duly appraised in accordance with the terms of the 9th article of said treaty but not paid for. The facts in the case will more fully appear in the accompanying papers from the Department of the Interior.

MILLARD FILMORE.

WASHINGTON, March 3d, 1851.

To the Senate:

I hereby nominate William Easby, of Washington City, to be Commissioner of Public Buildings.

MILLARD FILLMORE.

WASHINGTON, March 3, 1851.

Ordered, That the nominations of officers of the Army for regular and brevet promotion be referred to the Committee on Military Affairs.

Ordered, That the nominations of officers of the Marine Corps for brevet promotion be referred to the Committee on Naval Affairs.

Ordered, That the nominations of John A. Bennett, W. F. Boone, Samuel Harris, Allen F. Owen, Charles Bradley, Matthias B. Edgar, John S. Riddle, Hugh Evans, and Jesse Thomas be referred to the Committee on Commerce.

Ordered, That the nominations of Jonathan Tittle, Richard A. Edes, James C. Robinson, and Thomas Hayward be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nominations of John B. Kerr, Thomas A. R. Nelson, and George Evans be referred to the Committee on Foreign Relations.

Ordered, That the nominations of John M. Edwards, Joseph R. Ingersoll, Arthur F. Hopkins, and James A. Harlan be referred to the Committee on Public Lands.

Ordered, That the nominations of John C. Clark and Elias Terry be referred to the Committee on Indian Affairs.

Ordered, That the nomination of William Easby be referred to the Committee on the Public Buildings.

Mr. Chase presented the memorial of Joseph Jonas and others, Israelites, of Cincinnati, Ohio, praying that certain provision scontained in a treaty lately concluded with Switzerland, interfering with their religious rights, may be rejected.

Ordered, That it lie on the table.

Mr. Clay presented the memorial of M. M. Noah and others, Israelites, of New York, praying that certain provisions contained in a treaty lately concluded with Switzerland, interfering with their religious rights, may be rejected.

Ordered, That it lie on the table.

Mr. Downs, from the Committee on the Judiciary, to whom were referred, the 27th February, the nominations of Samuel G. Brandebury, Henry L. Tilden, William S. Allen, and C. H. Merritt, reported.

Mr. Felch, from the Committee on the Public Lands, to whom were referred, the 27th February, the nominations of Alphonse Lastrapes, Thomas W. Newman, and George Washington, reported.

Mr. Jones, from the Committee on Pensions, to whom was referred, the 16th December last, the nomination of James E. Heath, reported.

Mr. Mason, from the Committee on the District of Columbia, to whom was referred, the 27th February, the nomination of Andrew Rothwell, reported.

On motion, the Senate adjourned.

THURSDAY, MARCH 6. 1851.

On motion by Mr. Miller,

The Senate proceeded to the consideration of executive business.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom were referred, the 25th February last, the nomination of S. Wylie Crawford, on the 27th February those of Harvey Brown and other officers, for regular promotion in the Army, and on the 5th instant those of Joseph A. Haskin and other officers for regular promotion in the Army, reported.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom were referred, the 5th instant, the nomination of Alfred Gibbs and other officers of the Army for promotion by brevet in the Army, reported.

Mr. Atchison, from the Committee on Indian Affairs, to whom were referred, the 5th instant, the nominations of John C. Clark and Elias S. Terry, reported.

Mr. Rusk, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 25th February, the nominations of Timothy Souther, Patrick R. Lewis, Hanson Kelly, Charles Shepard, Octavius Longworth, John C. La None, John B. Carr, Benjamin Young, Franklin Adams, Benjamin Cornell, Johnston Elliott, George W. Snead, George

W. Hamersley, George R. Trotter, and William Richards, on the 27th February those of John Burnham, Samuel F. Jones, Levi Platte, junior, Landon Wells, and Ezra Daggett, and on the 5th instant those of Jonathan Tittle, Richard A. Edes, and Thomas Hayward, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Rusk, from the Committee on the Post-Office and Post-Roads, to whom was referred the nomination of James C. Robinson, reported.

Mr. Rusk, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 25th February, the nomination of William H. Chandler, and on the 27th February that of Rufus R. Haines, reported.

Mr. Rusk, from the Committee on the Post-Office and Post-Roads, to whom was referred the nomination of James D. Merrill, reported.

Whereupon

The Senate proceeded to consider the said nomination; and

On the question, Will the Senate advise and consent to the appointment of James D. Merrill?

It was determined in the affirmative,	{	Yea ^s	36
		Nay ^s	5

On motion by Mr. Walker,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Atchison, Badger, Bayard, Bell, Berrien, Borland, Bradbury, Bright, Brodhead, Butler, Clarke, Clay, Clemens, Cooper, Davis of Massachusetts, Davis of Mississippi, Dawson, Dodge of Iowa, Downs, Felch, Houston, Hunter, Jones, Mangum, Mason, Miller, Morton, Pearce, Rhett, Rusk, Seward, Smith, Soulé, Underwood, Upham, Whitcomb.

Those who voted in the negative are,

Messrs. Chase, Douglas, Hale, Norris, Walker.

So it was

Resolved, That the Senate advise and consent to the appointment of James D. Merrill, agreeably to the nomination.

Mr. Soulé, from the Committee on Commerce, to whom were referred, the 27th February, the nominations of George G. Baker, Samuel Eckel, Samuel G. Goodrich, Thomas Butler King, Samuel Barney, A. Randall, Tobias Wolf, Collin Wilson, Simpson P. Moses, William M. Miller, George P. Newell, Alonzo Leland, Edward C. Ward, William Brown, Frederick Belden, John B. Ashe, George Pendleton, Jesse S. Hambleton, and Robert Goodwin, and on the 5th instant those of John A. Bennett, W. F. Boone, Samuel Harris, Allen F. Owen, Charles Bradley, Matthias B. Edgar, John S. Riddle, Hugh Evans, and Jesse Thomas, reported.

Mr. Foote, from the Committee on Foreign Relations, to whom were referred, the 5th instant, the nominations of John B. Kerr and George Evans, reported.

Mr. Foote, from the Committee on Foreign Relations, to whom was referred, the 14th February, the general convention of friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals, between the United States of America and the Swiss Confederation, concluded at the city of Berne the 25th day of November, in the year of our Lord, 1850, reported it without amendment.

Mr. Foote, from the Committee on Foreign Relations, to whom was referred, the 27th February, the convention between the United States of America and the Mexican Republic for the protection of a transit way across the Isthmus of Tehuantepec, concluded at the city of Mex-

ico the 25th day of January, in the year of our Lord, 1851, reported it without amendment.

Mr. Foote, from the Committee on Foreign Relations, to whom was referred, the 27th February, the convention between the United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, providing for the payment and settlement of the claims of American citizens against the Government of Portugal, concluded at the city of Washington the 26th day of February, in the year of our Lord, 1851, reported it without amendment.

The Senate proceeded to consider the nominations of Horace Mower, John S. Watts, H. Jones Brooke, Louis Lindner, and Henry A. Homes; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations, respectively.

The Senate proceeded to consider the nomination of Hugh N. Smith; and,

After debate,

On the question, Will the Senate advise and consent to the appointment of Hugh N. Smith?

It was determined in the negative,	{ Yeas	14
	{ Nays	24

On motion by Mr. Atchison,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Bright, Chase, Clay, Cooper, Dodge of Wisconsin, Dodge of Iowa, Jones, Miller, Seward, Shields, Smith, Underwood, Upham, Walker.

Those who voted in the negative are,

Messrs. Atchison, Badger, Bayard, Bell, Berrien, Borland, Broadhead, Butler, Clarke, Clemens, Davis of Mississippi, Dawson, Downs, Foote, Houston, Hunter, King, Mangum, Mason, Morton, Rhett, Rusk, Soulé, Whitcomb.

So it was

Resolved, That the Senate do not advise and consent to the appointment of Hugh N. Smith to be secretary of the Territory of New Mexico.

The following messages were received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate of the United States:

I hereby withdraw the nomination of James C. Robinson to be deputy postmaster at Bath, in the State of New York, and nominate him to be deputy postmaster at Penn Yan, in the State aforesaid.

MILLARD FILLMORE.

WASHINGTON, March 5, 1851.

To the Senate of the United States:

James Harlan, of Kentucky, was nominated by me for one of the commissioners to settle private land claims in California by the name of James A. Harlan, which mistake I desire by this message to correct.

MILLARD FILLMORE.

WASHINGTON, March 5, 1851.

On motion by Mr. Rusk,

The Senate, by unanimous consent, proceeded to consider the nomination of James C. Robinson; and

Resolved, That the Senate advise and consent to the appointment of James C. Robinson to be deputy postmaster at Penn Yan, in the State of New York, agreeably to the nominations received this day.

Ordered, That the message correcting the mistake in the nomination of James Harlan be referred to the Committee on the Public Lands.

After the consideration of executive business,

Mr. Pearce submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the President of the Senate fill the vacancy in the Board of Regents in the Smithsonian Institution, occasioned by the expiration of the term of the honorable James M. Mason on the third day of March, 1851.

The President *pro tempore*, in pursuance of the resolutions of the Senate of yesterday and this day, appointed the honorable Jefferson Davis and the honorable James M. Mason regents of the Smithsonian Institution.

On motion, the Senate adjourned.

FRIDAY, MARCH 7, 1851.

Mr. Hunter submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretaries of State, of the Treasury, of the Interior, of War, of the Navy, and the Postmaster-General bedirected to report to the Senate, at the next session of Congress, some plan for classifying the clerks in those Departments, for apportioning their salaries according to their service, and for equalizing the salaries of the clerks of the same grade in each of the Departments; and also some plan to provide for a fair and impartial examination of the qualifications of clerks, and for promoting them from one grade to another upon a due regard to qualifications and services.

Mr. Mason submitted the following motion; which was considered, by unanimous consent, and agreed to:

Ordered, That the communication of the Secretary of War of the 28th of February, 1851, in answer to a resolution of the Senate of February 26, 1851, respecting the assignment of Brevet Colonel Plympton to command at Jefferson Barracks, be printed.

On motion by Mr. Mason,

Ordered, That Benjamin Moor and Bankroft Woodcock have leave to withdraw their petition and papers.

On motion by Mr. Chase,

Ordered, That the chiefs and delegation of the Wyandot Nation of Indians have leave to withdraw their petition and papers, praying payment for lands ceded by them to the United States under the treaty of 17th March, 1842.

On motion by Mr. Walker,

Ordered, That Julia Ann Cossar have leave to withdraw her petition and papers.

On motion by Mr. Norris,

Ordered, That George W. Corliss have leave to withdraw his petition and papers.

Mr. Dodge, of Iowa, from the Committee on the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. Clay, the 5th instant, making allowances to persons in the service of the Senate, reported the same with an amendment; which was read.

The said resolution was read the second time ; and,

On motion by Mr. Clarke,

Ordered, That the further consideration thereof be postponed until to morrow.

Mr. Bright submitted the following resolution for consideration :

Resolved, That the Senate will adjourn on Monday next, at one o'clock, *sine die*.

On motion by Mr. Borland,

Ordered, That the report of the Smithsonian Institution be printed ; and that three thousand additional copies be printed—one thousand copies of which for the use of the Smithsonian Institution.

Mr. Davis, of Mississippi, submitted the following resolution ; which was considered, by unanimous consent, and agreed to :

Resolved, That the Committee on Enrolled Bills be directed to inquire and report how the act for the relief of the American Colonization Society came to be presented to the President for his signature without the suspension of the seventeenth rule having been agreed to by the Senate.

The Senate proceeded to consider the resolution submitted by Mr. Borland, the 5th instant, for the purchase of a number of copies of the second part of the last report of the Commissioner of Patents ; and,

On motion by Mr. Borland,

Ordered, That it lie on the table.

Mr. Mason, from the Committee on Naval Affairs, to whom was referred, the 25th February, the nomination of Alfred A. Belknap, and on the 27th February those of Donald McNeil Fairfax, George C. Lawrason, Vernon Eskridge, and Samuel Archbold, reported.

Mr. Mason, from the Committee on Naval Affairs, to whom were referred, the 5th instant, the nominations of Ward Marston and William W. Russell, reported,

Mr. Felch, from the Committee on the Public Lands, to whom were referred, the 5th instant, the nominations of John M. Edwards, Joseph R. Ingersoll, Arthur F. Hopkins, and James Harlan, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Joseph R. Ingersoll, Arthur F. Hopkins, and James Harlan, agreeably to their nominations respectively.

Mr. Foote, from the Committee on Foreign Relations, to whom was referred, the 5th instant, the nomination of Thomas A. R. Nelson, reported.

The Senate, as in Committee of the Whole, proceeded to consider the convention between the United States of America and the Mexican Republic for the mutual surrender of fugitive criminals, concluded at Washington the 20th day of July, in the year of our Lord eighteen hundred and fifty ; and,

On motion by Mr. Seward,

Ordered, That it lie on the table.

The Senate, as in Committee of the Whole, proceeded to consider the general convention of friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals, between the United States of America and the Swiss Confederation, concluded at the city of Berne the 25th of November, in the year of our Lord, 1850 ; and no amendment being made thereto, it was reported to the Senate.

On motion by Mr. Foote, to amend the convention as follows, to wit :

Strike out the second and third clauses, and the word "Accordingly" at the beginning of the fourth clause of the first article.

In the fourth clause of the first article strike out the words "and real." Strike out the sixth and last clause of the first article.

In the fifth article strike out the words "and real estate."

In the sixth article strike out the words "whether personal or real."

After debate,

On the question, Shall the words proposed to be stricken out stand as part of the convention?

It was determined in the negative,	{	Yea ^s	1
		Nay ^s	38

Mr. Seward voted in the affirmative.

Those who voted in the negative are,

Messrs. Bell, Berrien, Borland, Bradbury, Bright, Broadhead, Butler, Cass, Chase, Clarke, Clay, Davis of Massachusetts, Davis of Mississippi, Dawson, Dodge of Wisconsin, Dodge of Iowa, Felch, Foote, Hale, Houston, Jones, King, Mangum, Mason, Miller, Morton, Norris, Pearce, Rhett, Rusk, Sebastian, Shields, Smith, Soulé, Underwood, Upham, Walker.

No further amendment being proposed, Mr. Foote submitted the following resolution for consideration:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the general convention of friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals between the United States of America and the Swiss Confederation, concluded at the city of Berne, the 25th day of November, in the year of our Lord, 1850, with the following amendments:

Strike out the second and third clauses of the first article and the word "Accordingly" at the beginning of the fourth clause of the first article, in the following words, to wit:

"In the United States of America, citizens of Switzerland shall be received and treated, in each State, upon the same footing and upon the same conditions as citizens of the United States born in or belonging to other States of the Union."

"In like manner, in Switzerland, citizens of the United States shall be received and treated, in each canton, upon the same footing and upon the same conditions as citizens of Switzerland originating in or belonging to other cantons of the Confederation."

"Accordingly."

In the fourth clause of the first article strike out the words "and real."

Strike out the sixth and last clause of the first article in the following words, to wit:

"On account of the tenor of the Federal Constitution of Switzerland, Christians alone are entitled to the enjoyment of the privileges guaranteed by the present article, in the Swiss cantons; but said cantons are not prohibited from extending the same privileges to citizens of the United States of other religious persuasions."

"and real estate."

In the sixth article strike out the following words: "whether personal or real."

The Senate, by unanimous consent, proceeded to consider the said resolution; and on the question to agree thereto,

It was determined in the affirmative,	{	Yea ^s	34
		Nay ^s	3

Those who voted in the affirmative are,

Messrs. Berrien, Bradbury, Bright, Broadhead, Butler, Cass, Chase, Clay, Davis of Massachusetts, Dawson, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Foote, Hale, Houston, King, Mangum, Mason,

Miller, Morton, Norris, Rhett, Rusk, Sebastian, Seward, Shields, Smith, Soulé, Underwood, Upham, Walker, Whitcomb.

Those who voted in the negative are,

Messrs. Borland, Clarke, Davis of Mississippi.

So the resolution was agreed to.

Ordered, That the Secretary lay the said resolution before the President of the United States.

The Senate, as in Committee of the Whole, proceeded to consider the convention between the United States of America and the Mexican Republic for the protection of a transit way across the Isthmus of Tehuantepec, concluded at the city of Mexico the 25th day of January, in the year of our Lord 1851; and no amendment being made thereto, it was reported to the Senate.

Mr. Foote submitted the following resolution for consideration:

Resolved (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the convention between the United States of America and the Mexican Republic for the protection of a transit way across the Isthmus of Tehuantepec, concluded at the city of Mexico the 25th day of January, in the year of our Lord 1851.

The Senate, by unanimous consent, proceeded to consider the said resolution; and on the question to agree thereto,

It was determined in the affirmative,	{	Yea	32
		Nays	8

Those who voted in the affirmative are,

Messrs. Atchison, Badger, Bayard, Bell, Berrien, Borland, Bradbury, Broadhead, Butler, Clay, Davis of Mississippi, Dawson, Dodge of Wisconsin, Dodge of Iowa, Downs, Foote, Hale, Houston, Jones, King, Mangum, Mason, Morton, Rhett, Rusk, Sebastian, Seward, Shields, Smith, Soulé, Underwood, Upham.

Those who voted in the negative are,

Messrs. Bright, Chase, Clarke, Cooper, Davis of Massachusetts, Felch, Norris, Walker.

So the resolution was agreed to.

Ordered, That the Secretary lay the said resolution before the President of the United States.

The Senate, as in Committee of the Whole, proceeded to consider the convention between the United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, providing for the payment and settlement of the claims of American citizens against the Government of Portugal, concluded at the city of Washington the 26th day of February, in the year of our Lord 1851; and no amendment being made thereto, it was reported to the Senate.

Mr. Foote submitted the following resolution for consideration:

Resolved (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the convention between the United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, providing for the payment and settlement of the claims of American citizens against the Government of Portugal, concluded at the city of Washington the 26th day of February, in the year of our Lord 1851.

The Senate, by unanimous consent, proceeded to consider the said resolution; and on the question to agree thereto,

It was determined in the affirmative, yeas 37.

Those who voted are,

Messrs. Atchison, Badger, Bell, Berrien, Borland, Bradbury, Broadhead, Butler, Cass, Clarke, Clay, Cooper, Davis of Massachusetts, Davis

of Mississippi, Dawson, Dodge of Wisconsin, Dodge of Iowa, Felch, Foote, Houston, Jones, King, Mangum, Mason, Miller, Morton, Pearce, Rusk, Sebastian, Seward, Shields, Smith, Soulé, Underwood, Upham, Walker, Whitcomb.

So the resolution was agreed to.

Ordered, That the Secretary lay the said resolution before the President of the United States.

The following messages were received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate of the United States:

I withdraw the nomination of George Evans as chargé d'affaires to the Government of Nicaragua, and nominate for that place John B. Kerr, of Maryland, whose nomination to be chargé d'affaires to New Granada is hereby withdrawn.

I nominate Yelverton P. King, of Georgia, to be chargé d'affaires of the United States to New Granada.

MILLARD FILLMORE.

WASHINGTON, 7th March, 1851.

To the Senate of the United States:

I nominate William S. Allen, of Missouri, to be secretary of the Territory of New Mexico, and withdraw his nomination as attorney of the United States for that Territory.

I hereby withdraw the nomination of C. H. Merritt as marshal of the United States for the Territory of New Mexico.

MILLARD FILLMORE.

WASHINGTON, 7th March, 1851.

To the Senate of the United States:

I nominate Thomas U. Walter to be the acting architect for continuing the construction of the custom-house at New Orleans, in the State of Louisiana.

MILLARD FILLMORE.

WASHINGTON, March 7, 1851.

To the Senate:

Hugh W. Evans having been heretofore nominated by me as an appraiser at large by the name of *Hugh Evans*, I desire by this message to correct that mistake.

MILLARD FILLMORE.

WASHINGTON, March 6, 1851.

The messages were read.

Ordered, That the nominations of John B. Kerr and Yelverton P. King be referred to the Committee on Foreign Relations.

Ordered, That the nomination of William S. Allen be referred to the Committee on the Territories.

Ordered, That the nominations of Thomas U. Walter and Hugh W. Evans be referred to the Committee on Commerce.

Mr. Clarke, from the Committee on the Public Buildings, to whom was referred, the 5th instant, the nomination of William Easby, reported.

On motion by Mr. Rusk,

The Senate proceeded to consider the nomination of Rufus R. Haines; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion, the Senate adjourned.

SATURDAY, MARCH 8, 1851.

Mr. Upham presented the credentials of the honorable Solomon Foot, elected a Senator by the legislature of the State of Vermont, for the term of six years from and after the third day of March, 1851; which were read, and the oath prescribed by law was administered to Mr. Foot, and he took his seat in the Senate.

Mr. Morton presented a letter from the honorable D. L. Yulee, accompanied by an extract from the journal of the general assembly of Florida for the 13th day of January, 1851, stating the reasons which will induce him to contest the seat of the honorable Stephen R. Mallory, who was declared to be elected the Senator from Florida for the ensuing term.

The letter was read.

On motion by Mr. Morton,

Ordered, That it be printed.

Mr. Hale submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate, as early as possible at the next session, full and complete statements of the trade and commerce of the British North American colonies with the United States, and other parts of the world, inland and by sea, for the years 1850 and 1851, with such information as he can procure of the trade of the great lakes.

Mr. Davis, of Massachusetts, submitted the following resolution; which was considered, by unanimous consent, and agreed to.

Resolved, That the President be requested, if not incompatible with the public interests, to inform Congress, at the earliest date, whether any arrangements are in progress, or likely to be made, with Great Britain and the British provinces of North America, for securing to the citizens of the United States the free navigation of the St. Lawrence, St. John, and other large rivers, and the right to enjoy freely, in common with British subjects, the sea and coast fisheries of the British fisheries of the British North American colonies.

Mr. Foote, of Mississippi, submitted the following resolution; which was considered, by unanimous consent, and agreed to.

Resolved, That the President be requested to communicate to the Senate, if not inconsistent with the public interest, any correspondence which has taken place between the Department of State and the minister of the United State at Constantinople respecting the liberation of Kossuth and his companions.

The President *pro tempore* having informed the Senate that a question of construction of the law relating to the mileage of the Senators from California had arisen,

Mr. Hunter submitted the following motion; which was considered, by unanimous consent, and agreed to:

The President of the Senate having stated to the Senate a question as to the true construction of the act of the 20th September, 1850, in relation to the mileage of the Senators from California,

Ordered, That it be referred to the Judiciary Committee to inquire and report whether the said act, so far as relates to the mileage of the Senators of California, is permanent or temporary in its provisions.

On motion by Mr. Bell,

Ordered, That William Nichols and David Taylor have leave to withdraw their petitions and papers.

On motion by Mr. Gwin,

Ordered, That Talbot H. Green have leave to withdraw his petition and papers.

The Senate proceeded to consider the resolution submitted by Mr. Clarke, the 5th instant, in relation to the commerce and navigation between certain foreign countries and the United States; and the resolution was agreed to.

On motion by Mr. Brodhead,

Ordered, That James F. Greene have leave to withdraw his petitions and papers.

On motion by Mr. Hale,

Ordered, That Evelina Porter have leave to withdraw her petition and papers.

On motion by Mr. Upham,

Ordered, That M. Pike have leave to withdraw her petition and papers.

The Senate proceeded to consider the resolution submitted by Mr. Badger, the 5th instant, to supply each Senator with twelve copies of the Congressional Globe and Appendix.

On motion by Mr. Mangum, that it lie on the table,

It was determined in the affirmative,	{	Yea.....	26
		Nay.....	14

On motion by Mr. Chase,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Atchison, Bright, Brodhead, Cass, Chase, Clay, Davis of Massachusetts, Dawson, Dodge of Iowa, Douglas, Downs, Felch, Foote of Mississippi, Foot of Vermont, Hunter, King, Mangum, Mason, Norris, Pearce, Rhett, Rusk, Underwood, Upham, Walker, Whitcomb.

Those who voted in the negative are,

Messrs. Badger, Bell, Borland, Clarke, Davis of Mississippi, Gwin, Hale, Houston, Morton, Sebastian, Seward, Shields, Smith, Soulé.

So it was

Ordered, That the resolution lie on the table.

The Senate resumed the consideration of the resolution submitted by Mr. Clay, the 5th instant, authorizing certain allowances to persons in the service of the Senate, with the amendment reported thereto; and the reported amendment having been amended, was agreed to.

On motion by Mr. Bright, that the motion lie on the table,

It was determined in the negative,	{	Yea.....	11
		Nay.....	29

On motion by Mr. Bright,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Bradbury, Bright, Brodhead, Chase, Dawson, Foot of Vermont, Rhett, Smith, Underwood, Walker, Whitcomb.

Those who voted in the negative are,

Messrs. Atchison, Badger, Bayard, Bell, Berrien, Borland, Butler, Cass, Clay, Cooper, Davis of Massachusetts, Davis of Mississippi, Dodge of Wisconsin, Dodge of Iowa, Felch, Foote of Mississippi, Gwin, Hale, Houston, Hunter, Mangum, Mason, Morton, Norris, Rusk, Sebastian, Seward, Shields, Soulé.

The resolution was read a third time as amended.

On the question, Shall this resolution pass?

It was determined in the affirmative, { Yeas 29
Nays 11

On motion by Mr. Bright,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Atchison, Badger, Bayard, Bell, Berrien, Borland, Butler,
Cass, Clarke, Clay, Cooper, Davis of Mississippi, Dodge of Wisconsin,
Dodge of Iowa, Felch, Foote of Mississippi, Gwin, Hale, Houston,
Mangum, Mason, Morton, Rusk, Sebastian, Seward, Shields, Soulé,
Upham, Walker.

Those who voted in the negative are,

Messrs. Bradbury, Bright, Brodhead, Chase, Dawson, Foot of Vermont,
King, Norris, Smith, Underwood, Whitecomb.

So it was

Resolved, That there be paid out of the contingent fund, under the direction of the Committee to Audit and Control the Contingent Expenses, to each of the officers, clerks, messengers, pages, laborers, boys carrying the mail, librarians, the assistant librarians, and messenger in the Library of Congress, the fireman in the crypt, and the laborer in the center building, the same amounts, respectively, as they were paid under the resolutions of the Senate of third March, 1849; to the regular police, the watchmen, and the laborers in the Capitol grounds, the western gate-keeper, and the lamp-lighters, such sums, respectively, as, together with what they may have received from the House of Representatives at the last session, shall amount to what is here allowed to a messenger.

And be it further resolved, That the Sergeant-at-Arms be authorized to employ the messengers, pages, and folders, during the recess, in folding documents, and that they be paid therefor the same prices per hundred that were paid in the House of Representatives during the last Congress; and that he be also authorized to employ one mail wagon to convey the documents to the post-office, at the usual cost.

Resolved, That the clerk of the President *pro tempore* be continued during the ensuing recess of the Senate, at the per diem compensation heretofore allowed.

Resolved, That the clerk of the Committee of Claims, appointed under a resolution of the Senate of January, 1850, be continued through the vacation, and that he be employed in completing a classified index and digest of their reports heretofore made.

On motion,

The Senate proceeded to the consideration of executive business.

The following messages were received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate of the United States:

I hereby nominate Franklin H. Clack, of Louisiana, to be secretary of the legation of the United States in Brazil.

MILLARD FILLMORE.

WASHINGTON, March 7, 1851.

To the Senate of the United States:

By the provisions of the act making appropriations for the service of the Indian Department, approved February 26th, 1851, I nominate John Drennen, of Arkansas, David D. Mitchell, of Missouri, Elias Murray, of Indiana, to be superintendents of Indian Affairs for the

Indian tribes east of the Rocky Mountains and north of New Mexico and of Texas; Richard H. Weightman, of New Mexico, Aaron R. Wolley, of New Jersey, John Greiner, of Ohio, and Edward H. Wingfield, of Georgia, to be agents for the Indians in New Mexico, and Jacob H. Holeman, of Kentucky, to be agent for the Indians in Utah.

I also nominate Beverly S. Allen, of Tennessee, to be agent for the Indians in Oregon, in place of Simeon Francis, resigned.

MILLARD FILLMORE.

WASHINGTON, March 7, 1851.

To the Senate of the United States:

By virtue of the provisions of the act making appropriations for the service of the Indian Department, approved February 27th, 1851, I nominate the following persons to be agents from and after the 30th of June next, for the Indian tribes east of the Rocky Mountains and north of New Mexico and Texas; the eleven first named, with a salary each of fifteen hundred dollars; the others, with a salary each of one thousand dollars:

- | | |
|------------------------|----------------------------|
| 1. Kenton Harper, | 10. John S. Watrous, |
| 2. William Wilson, | 11. William Sprague, |
| 3. Philip H. Raiford, | 12. Asbury M. Coffey, |
| 4. George Butler, | 13. William I. I. Morrow, |
| 5. John R. Chenault, | 14. Thomas Moseley, j'r., |
| 6. Thomas Fitzpatrick, | 15. William P. Richardson, |
| 7. Luke Lea, sen'r, | 16. John E. Barrow, |
| 8. Peyton P. Moore, | 17. Nathaniel McLean. |
| 9. Abram M. Fridley, | |

MILLARD FILLMORE.

WASHINGTON, March 7, 1851.

To the Senate of the United States:

I hereby nominate Elias P. West, of New Mexico, as attorney for the Territory of New Mexico.

I also nominate John Jones, of the same place, as marshal for said Territory.

MILLARD FILLMORE.

WASHINGTON, March 8, 1851.

To the Senate:

I hereby nominate Jesse Turner, of Arkansas, as district attorney for the western district of Arkansas, and George Knox, of the same State, as marshal of the United States for the same district.

MILLARD FILLMORE.

WASHINGTON, March 8, 1851.

To the Senate:

I hereby nominate John Howard Payne as consul at Tunis.

MILLARD FILLMORE.

WASHINGTON, March 8, 1851.

To the Senate of the United States:

I hereby withdraw the nominations previously made of Samuel Barney as collector of Monterey, and A. Randall as surveyor of Santa

Barbara, and now nominate William Henry Russell as collector of Monterey, and the said Samuel Barney as surveyor at Santa Barbara.

MILLARD FILLMORE.

WASHINGTON, *March 8, 1851.*

The messages were read.

Ordered, That the nomination of Franklin H. Clack be referred to the Committee on Foreign Relations.

Ordered, That the nominations of superintendents and agents for Indian affairs be referred to the Committee on Indian Affairs.

Ordered, That the nominations of Elias P. West, John Jones, Jesse Turner, and George Knox be referred to the Committee on the Judiciary.

Ordered, That the nominations of John Howard Payne, Samuel Barney, and William Henry Russell be referred to the Committee on Commerce.

Mr. Rusk presented a memorial of William E. Spalding and others, citizens of Washington, in favor of the appointment of William Easby as Commissioner of the Public Buildings.

Mr. Atchison presented a memorial of Joseph B. Ellis and others, citizens of Washington, in favor of the appointment of William Easby as Commissioner of the Public Buildings.

Mr. Pearce presented the memorial of Walter Lenox, mayor, and of the members of the boards of aldermen and common council of the city of Washington, in favor of the appointment of William Easby as Commissioner of the Public Buildings.

Mr. Foote, of Mississippi, presented the memorial of William Gunton and other citizens of Washington in favor of the appointment of William Easby as Commissioner of the Public Buildings.

On motion by Mr. Hale,

The Senate proceeded to consider the nomination of First Lieutenant William W. Russell; and

Resolved, That the Senate advise and consent to the promotion of First Lieutenant William W. Russell, of the United States Marine Corps, to be a captain by brevet, agreeably to the nomination.

On motion by Mr. Mason,

The Senate proceeded to consider the nomination of Captain Ward Marston; and

Mr. Mason submitted the following resolution for consideration:

Resolved, That the nomination of Captain Ward Marston, of the United States Marine Corps, to be a major by brevet, from the 8th day of October, 1846, for gallant conduct at Dominguez Ranche, in Lower California, and at the battle of Santa Clara, in Upper California, be returned to the President, and that he be informed that the Senate is disinclined to confer the proposed brevet in connection with conduct at Dominguez Ranche, and to suggest that the nomination in the form as made be withdrawn.

The Senate, by unanimous consent, proceeded to consider the said resolution, and agreed thereto.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. Soulé, from the Committee on Commerce, to whom were referred, the 7th instant, the nominations of Thomas U. Walter and Hugh W. Evans, and on this day those of John Howard Payne, Samuel Barney, and William Henry Russell, reported.

On motion by Mr. Gwin,

The Senate proceeded to consider the nominations of Samuel Barney and William Henry Russell; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Foote, of Mississippi, from the Committee on Foreign Relations, to whom were referred, the 7th instant, the nominations of John B. Kerr and Yelverton P. King, reported.

Mr. Douglas, from the Committee on Territories, to whom was referred, the 7th instant, the nomination of William S. Allen, reported.

The Senate proceeded to consider the nomination of John M. Comstock; and

After debate,

On motion by Mr. Mason,
The Senate adjourned.

MONDAY, MARCH 10, 1851.

The President *pro tempore* laid before the Senate a letter of Gales and Seaton, addressed to the Secretary of the Senate, stating that they are under the necessity of terminating the existing engagement for the daily report and publication of the debates of the Senate; which was read.

On motion by Mr. Badger,

Ordered, That it be referred to the Committee on Printing.

Mr. Cooper, from the Committee on the Judiciary, who were instructed to inquire and report whether the act of Congress of the 20th September, 1850, so far as the same relates to the mileage of the Senators from California, is permanent or temporary in its provisions, submitted a report; which was read and ordered to be printed, with the accompanying document.

On motion by Mr. Berrien,

Ordered, That George C. Thomas have leave to withdraw his petition and papers.

On motion by Mr. Mangum,

Ordered, That William H. Thomas have leave to withdraw his petition and papers.

Mr. Shields submitted the following resolution for consideration; which was read:

Resolved, That the Secretary of the Senate be and he hereby is authorized to buy two thousand five hundred copies of the American Decade, published by Mr. Frederick Schmidt.

Mr. Mason submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretaries of the Treasury and War be directed to cause the muster-rolls, pay-rolls, and other evidence, to be examined, so as to ascertain, as near as practicable, the amount of rations issued under each contract, respectively, made by Robert B. Carter and James Roddey, for the supply of rations to the troops, from the first of June, 1812, to the first of June, 1815, and report the same to the Senate at its next session.

On motion by Mr. Underwood,

Ordered, That M. J. Deplaigne have leave to withdraw his petition and papers.

Mr. Walker presented the credentials of the Hon. Henry Dodge, elected a Senator by the legislature of the State of Wisconsin, for the term of

six years from and after the fourth day of March, 1851; which were read.

On motion by Mr. Mason,

Ordered, That Frederick Vincent, administrator of Lecaze and Mallet, have leave to withdraw his petition and papers.

On motion,

The Senate proceeded to the consideration of executive business.

The following messages were received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate:

I hereby nominate Robert C. Schenck, of Ohio, to be envoy extraordinary and minister plenipotentiary to the Government of Brazil.

MILLARD FILLMORE.

WASHINGTON, *March 10, 1851.*

To the Senate of the United States:

I nominate the officers named in the accompanying list for regular promotion in the Army of the United States to the several grades annexed to their names, as proposed by the Secretary of War, and I withdraw the nomination, made the 27th ultimo, of Brevet 2d Lieutenant Richard Arnold for promotion to 2d lieutenant in the First Regiment of Artillery.

MILLARD FILLMORE.

WASHINGTON, *March 10th, 1851.*

WAR DEPARTMENT, *March 10, 1851.*

SIR: I have the honor to propose for your approbation the annexed list of officers for regular promotion in the Army of the United States.

For the reasons stated in the accompanying communication of the Adjutant-General, I recommend that the name of Brevet Second Lieutenant Richard Arnold be withdrawn from the list of nominations submitted to the Senate the 27th ultimo, or, in case of confirmation, that the promotion be canceled.

I am, sir, with great respect, your ob't serv't,

C. M. CONRAD,
Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

WASHINGTON, *March 10, 1851.*

SIR: I have the honor respectfully to lay before you a list of regular promotions in the Army to fill vacancies just ascertained to have happened.

An error has just been detected in the list of regular promotions submitted the 27th ultimo, in the nomination of Brevet 2d Lieutenant Richard Arnold for promotion to 2d lieutenant in the 1st Regiment of Artillery. This officer belongs to the Third, and not to the First Regiment of Artillery, and his nomination should accordingly be withdrawn.

I am, sir, with great respect, y'r ob't serv't,

R. JONES,
Adjutant-General.

Hon. C. M. CONRAD,
Secretary of War.

WAR DEPARTMENT, *March 10, 1851.*

REGULAR PROMOTIONS IN THE ARMY OF THE UNITED STATES.

Third Regiment of Infantry.

First Lieutenant Israel B. Richardson to be captain, March 5, 1851, vice Henry, deceased, and Jordan (assistant quartermaster) and Buell (assistant adjutant-general), who vacate their regimental commissions.

Second Lieutenant James N. Ward to be first lieutenant, March 5, 1851, vice Jordan (assistant quartermaster), who vacates his regimental commission.

Second Lieutenant Barnard E. Bee to be first lieutenant, March 5, 1851, vice Buell (assistant adjutant-general), who vacates his regimental commission.

Second Lieutenant Henry B. Clitz to be first lieutenant, March 5, 1851, vice Richardson, promoted.

Brevet Second Lieutenant Louis H. Marshall to be second lieutenant, March 5, 1851, vice Ward, promoted.

Brevet Second Lieutenant John W. Alley to be second lieutenant, March 5, 1851, vice Bee, promoted.

Brevet Second Lieutenant J. E. Maxwell to be second lieutenant, March 5, 1851, vice Clitz, promoted.

Seventh Regiment of Infantry.

Brevet Second Lieutenant Nicholas B. Pearce to be second lieutenant, March 8, 1851, vice Sutton, resigned.

To the Senate of the United States:

In lieu of the nomination of Captain Ward Marston, made on the 3d instant, to be a major by brevet, from the 8th day of October, 1846, I now nominate him to be a major by brevet from the second of January, 1847, for gallant conduct at the battle of Santa Clara, in Upper California.

MILLARD FILLMORE.

WASHINGTON, *March 10th, 1851.*

The messages were read.

Ordered, That the nomination of Robert C. Schenck be referred to the Committee on Foreign Relations.

Ordered, That the nominations of Israel B. Richardson and other officers for regular promotion in the Army be referred to the Committee on Military Affairs.

Mr. Butler, from the Committee on the Judiciary, to whom were referred, the 8th instant, the nominations of Jesse Turner, George Knox, Elias P. West, and John Jones, reported.

Mr. Foote, of Mississippi, from the Committee on Foreign Relations, to whom was referred, the 8th instant, the nomination of Franklin H. Olack, and on this day that of Robert C. Schenck, reported.

The Senate resumed the consideration of the nomination of John M. Comstock; and,

After debate,

On the question, Will the Senate advise and consent to the appointment of John M. Comstock?

It was determined in affirmative,	{ Yeas	22
	{ Nays	13

On motion by Mr. Davis, of Mississippi,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in th affirmative are,

Messrs. Badger, Bayard, Bell, Berrien, Bradbury, Butler, Cooper, Davis of Massachusetts, Dawson, Douglas, Foot of Vermont, Hale, Houston, King, Mangum, Pearce, Seward, Shields, Smith, Underwood, Upham, Walker.

Those who voted in the negative are,

Messrs. Atchison, Borland, Chase, Davis of Mississippi, Dodge of Wisconsin, Dodge of Iowa, Gwin, Hunter, Mason, Morton, Rhett, Rusk, Soulé.

So it was

Resolved, That the Senate advise and consent to the appointment of John M. Comstock, agreeably to the nomination.

The Senate proceeded to consider the nominations of Charles Devall, James A. Kennedy, Samuel G. Brandebury, Henry L. Tilden, Alphonse Lastrasses, Thomas W. Newman, James E. Heath, Andrew Rothwell, S. Wylie Crawford, John C. Clark, Elias S. Terry, and George G. Baker; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nominations of the following-named persons for regular promotion in the Army of the United States, to wit, Harvey Brown, John P. McCown, Joseph C. Clark, jun'r, William G. Gill, Jacob Culbertson, Oscar A. Mack, Ralph W. Kirkham, Darius D. Clark, Joseph A. Haskin, Daniel M. Beltzhoover, Otis H. Tillinghast, James B. Fry, Adam J. Slemmer, and Amos Beckwith; and

Resolved, That the Senate advise and consent to the promotion of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nominations of the following persons for promotions by brevet in the Army of the United States, to wit, Alfred Gibbs, Samuel S. Anderson, George P. Andrews, George W. Raines, John H. Gore, Thomas R. McConnell, Ulysses S. Grant, Sterne H. Fowler, Simon B. Buckner, Edward Johnson, John H. Lendrum, Junis N. Palmer, Philip W. McDonald, Bennet Riley, Ethan A. Hitchcock, Harvey Brown, John H. Winder, Edward R. S. Canby, William T. Sherman, Oscar F. Windship, George E. Pickett, Abraham C. Myers, Gustavus A. De Russy, William H. Gordon, and Lewis G. Arnold; and,

After debate,

On motion by Mr. Hunter, that the said nominations lie on the table,

It was determined in the negative, { Yeas Nays..... 23

On motion by Mr. Mangum,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Borland, Bradbury, Butler, Cass, Chase, Davis of Mississippi, Dawson, Hale, Hunter, King, Mason, Rhett, Sonlé, Walker.

Those who voted in the negative are,

Messrs. Atchison, Badger, Bell, Berrien, Cooper, Davis of Massachusetts, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Foote of Mississippi, Foot of Vermont, Gwin, Mangum, Morton, Rusk, Seward, Shields, Smith, Underwood, Upham, Whitecomb.

Whereupon

Resolved, That the Senate advise and consent to the promotion by brevet of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nomination of Samuel Eckel; and,

On motion by Mr. Bell,

Ordered, That it lie on the table.

On motion by Mr. Gwin,

The Senate, by unanimous consent proceeded to consider the nomination of Captain Ward Marston, received this day; and

Resolved, That the Senate advise and consent to the promotion of Captain Ward Marston, of the United States Marine Corps, to be a major by brevet, from the 2d of January, 1847, for gallant conduct at the battle of Santa Clara, in Upper California, agreeably to the nomination.

Mr. Atchison, from the Committee on Indian Affairs, to whom were referred, the 8th instant, the nominations of John Drenner, Kenton Harper and other superintendents and agents for Indian affairs, reported.

The Senate proceeded to consider the nomination of Samuel G. Goodrich; and

After debate,

On motion by Mr. Badger,

The Senate adjourned.

TUESDAY, MARCH 11, 1851.

The following message was received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, with the accompanying documents, in compliance with a resolution of the Senate of the 8th instant.

MILLARD FILLMORE.

WASHINGTON, March 10, 1851.

The message was read.

On motion by Mr. Foote, of Mississippi,

Ordered, That it be printed, and that the Secretary of the Senate contract for the same and all other printing which has been or may be ordered at this session of the Senate.

Mr. Rhett submitted the following resolution for consideration:

Resolved, That the Senate will adjourn *sine die* at 12 o'clock to-morrow; and that a committee be appointed by the Chair to wait upon the President of the United States to inform him of this determination on the part of the Senate, and to know from him whether he has any further communications to make to the Senate.

On motion by Mr. Bell,

Ordered, That Clements, Bryan and Company have leave to withdraw their petition and papers.

On motion by Mr. Berrien,

Ordered, That Lewis Ralston have leave to withdraw his petition and papers.

Mr. Borland, from the Committee on Printing, to whom was referred, the 10th instant, a letter from Messrs. Gales and Seaton, reported "that

the committee be discharged from the further consideration thereof"; and

The report was concurred in.

The Senate proceeded to consider the resolution submitted by Mr. Mangum, the 5th instant, relating to the distribution of the printed copies of the report on meteorology last made by Professor Espy; and,

On motion by Mr. Hale,

Ordered, That it lie on the table.

On motion by Mr. Foote, of Mississippi, that the Senate proceed to the consideration of the resolution submitted by Mr. Borland, the 5th instant, to authorize the purchase of a number of copies of the report of the Commissioner of Patents,

It was determined in the affirmative,	{ Yeas	21
	{ Nays	15

On motion by Mr. Atchison,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Badger, Bell, Berrien, Borland, Cass, Cooper, Dodge of Wisconsin, Dodge of Iowa, Douglas, Foote of Mississippi, Foot of Vermont, Gwin, Hale, Morton, Pearce, Rusk, Sebastian, Shields, Upham, Walker, Whitcomb.

Those who voted in the negative are,

Messrs. Atchison, Butler, Chase, Davis of Massachusetts, Davis of Mississippi, Dawson, Felch, King, Mangum, Mason, Rhett, Seward, Smith, Soulé, Underwood.

So the Senate resumed the consideration of the resolution.

An amendment having been proposed thereto by Mr. Foote, of Mississippi,

On motion by Mr. Atchison that the resolution lie on the table,

It was determined in the negative,	{ Yeas	17
	{ Nays	19

On motion by Mr. Hale,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Atchison, Bell, Butler, Chase, Davis of Massachusetts, Davis of Mississippi, Dawson, Mason, Pearce, Rhett, Seward, Smith, Soulé, Underwood, Upham, Walker, Whitcomb.

Those who voted in the negative are,

Messrs. Badger, Bayard, Berrien, Borland, Cass, Cooper, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Foote of Mississippi, Foot of Vermont, Gwin, Hale, Mangum, Morton, Rusk, Sebastian, Shields.

An amendment to the amendment having been proposed by Mr. Chase,

On motion by Mr. Butler, that the resolution lie on the table,

It was determined in the negative,	{ Yeas	18
	{ Nays	19

On motion by Mr. Badger,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Atchison, Bell, Butler, Chase, Cooper, Davis of Massachusetts, Davis of Mississippi, Dawson, Mason, Pearce, Rhett, Seward, Smith, Soulé, Underwood, Upham, Walker.

Those who voted in the negative are,

Messrs. Bayard, Berrien, Borland, Cass, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Foote of Mississippi, Foot of Vermont, Gwin, Hunter, King, Mangum, Morton, Sebastian, Shields.

After debate,

On motion by Mr. Cooper,

Ordered, That the resolution lie on the table.

On motion,

The Senate proceeded to the consideration of executive business.

The following messages were received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate of the United States:

I nominate Samuel D. King, of the District of Columbia, to be surveyor-general of the State of California.

MILLARD FILLMORE.

WASHINGTON, March 11, 1851.

To the Senate of the United States:

I nominate Abraham R. Woolley, of New Jersey, to be an agent for the Indians in New Mexico, his name being erroneously written in a previous nomination, Aaron R. Woolley.

MILLARD FILLMORE.

WASHINGTON, March 11, 1851.

The message were read.

Ordered, That the nomination of Samuel D. King be referred to the Committee on the Public Lands.

The Senate resumed the consideration of the nomination of Samuel G. Goodrich; and,

On motion by Mr. Mangum that it lie on the table.

It was determined in the affirmative, { Yeas 18
Nays 17

On motion by Mr. Mangum,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Atchison, Bayard, Berrien, Borland, Butler, Cass, Davis, Dodge of Wisconsin, Dodge of Iowa, Felch, Hunter, King, Mangum, Mason, Morton, Rhett, Rusk, Sebastian.

Those who voted in the negative are,

Messrs. Badger, Bell, Chase, Cooper, Davis of Massachusetts, Dawson, Douglas, Foote of Mississippi, Foot of Vermont, Seward, Shields, Smith, Soulé, Underwood, Upham, Walker, Whitcomb.

So it was

Ordered, That the nomination of Samuel G. Goodrich lie on the table.

On motion by Mr. Soulé,

The Senate proceeded to consider the nomination of Samuel Eckel; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

The Senate proceeded to consider the nomination of Thomas Butler King; and,

After debate,

On the question, Will the Senate advise and consent to the appointment of Thomas Butler King?

It was determined in the affirmative, { Yeas 21
Nays 13

On motion by Mr. Borland,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Badger, Bayard, Bell, Cass, Cooper, Davis of Massachusetts,
Dawson, Dodge of Wisconsin, Felch, Foot of Vermont, Gwin, Mangum,
Pearce, Rusk, Seward, Shields, Smith, Underwood, Upham, Walker,
Whitcomb.

Those who voted in the negative are,

Messrs. Atchison, Berrien, Borland, Butler, Davis of Mississippi,
Douglas, Foote of Mississippi, Hunter, King, Mason, Morton, Rhett,
Soulé.

So it was

Resolved, That the Senate advise and consent to the appointment of
Thomas Butler King, agreeably to the nomination.

The Senate proceeded to consider the nominations of George Washington, Tobias Wolf, Collin Wilson, Simpson P. Moses, William M. Miller, George P. Newell, Alonzo Leland, Edward C. Ward, William Brown, Frederick Belden, George Pendleton, Jesse S. Hambleton, Robert Goodwin, John A. Bennett, W. F. Boone, Samuel Harris, Allen F. Owen, Charles Bradley, Matthias B. Edgar, John S. Riddle, Hugh W. Evans, Jesse Thomas, Alfred A. Belknap, Donald McNeil Fairfax, George C. Lawrason, Vernon Eskridge, Samuel Archbold, John M. Edwards, and Thomas A. R. Nelson; and

Resolved, That the Senate advise and consent to the appointment of
the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nomination of William H. Chandler; and

Resolved, That the Senate do not advise and consent to the appointment
of William H. Chandler to be deputy postmaster at Evansville,
in the State of Indiana.

The Senate proceeded to consider the nomination of William Easby;
and

On motion by Mr. Borland,
The Senate adjourned.

WEDNESDAY, MARCH 12, 1851.

The following messages were received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate of the United States:

Lemuel G. Brandebury, of Pennsylvania, having been heretofore nominated by me to fill the office of chief justice of Utah by the name of Samuel G. Brandebury, I desire by this message to correct the error in the name in the former nomination, and I hereby nominate him for that purpose.

MILLARD FILLMORE.

WASHINGTON, March 12, 1851.

To the Senate of the United States:

I hereby nominate William Brown Butler to be deputy postmaster at Evansville, in the State of Indiana, in the place of William H. Chandler, postmaster at the place aforesaid.

MILLARD FILLMORE.

WASHINGTON, March 12, 1851.

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nominations of Lemuel G. Brandebury and William Brown Butler; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Felch, from the Committee on Public Lands, to whom was referred, the 11th instant, the nomination of Samuel D. King, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

The Senate resumed the consideration of the nomination of William Easby; and,

After debate,

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

The Senate proceeded to consider the nomination of Thomas U. Walter; and

After debate,

Resolved, That the Senate do not advise and consent to the appointment of Thomas U. Walter to be the acting architect for continuing the construction of the custom-house at New Orleans, in the State of Louisiana.

The Senate proceeded to consider the nominations of John Howard Payne, John B. Kerr, Yelverton P. King, William S. Allen, John Drennen, David D. Mitchell, Elias Murray, Richard H. Weightman, Abraham R. Woolley, John Greiner, Edward H. Wingfield, Jacob H. Holleman, Beverly S. Allen, Kenton Harper, William Wilson, Philip H. Raiford, George Butler, John R. Chenualt, Thomas Fitzpatrick, Luke Lea, sen'r, Peyton P. Moore, Abraham M. Fridley, John S. Watrous, William Sprague, Asbury M. Coffey, William I. I. Morrow, Thomas Mosely, j'r, William P. Richardson, John E. Barrow, Nathaniel McLean, Jesse Turner, George Knox, Elias P. West, John Jones, Robert C. Schenck, and Franklin H. Clack; and

Resolved, That the Senate advise and consent to the appointment of said persons, agreeably to their nominations respectively.

On motion by Mr. Davis, of Massachusetts,

The Senate proceeded to consider the nomination of Samuel G. Goodrich; and

On motion by Mr. Atchison, that the nomination of Samuel G. Goodrich lie on the table,

It was determined in the negative,	{	Yea.....	..	11
		Nay.....	..	22

On motion by Mr. Atchison.

The yeas and nays being desired by one-fifth of the Senators present. Those who voted in the affirmative are,

Messrs. Atchison, Bayard, Borland, Butler, Cass, Davis of Mississippi, Hunter, King, Mangum, Mason, Pratt.

Those who voted in the negative are,

Messrs. Badger, Bell, Berrien, Cooper, Davis of Massachusetts, Dawson, Dodge of Wisconsin, Dodge of Iowa, Felch, Foote of Mississippi, Foot of Vermont, Hale, Rusk, Sebastian, Seward, Shields, Smith, Soulé, Underwood, Upham, Walker, Whitecomb.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Samuel G. Goodrich, agreeably to the nomination.

The following message was received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate of the United States:

I nominate James H. Dakin, of New Orleans, as acting architect for continuing the construction of the custom-house at New Orleans, in the State of Louisiana.

MILLARD FILLMORE.

WASHINGTON, *March 12th, 1851.*

The message was read.

The Senate, by unanimous consent, proceeded to consider the nomination of James H. Dakin; and

Resolved, That the Senate do not advise and consent to the appointment of James H. Dakin, of New Orleans, as acting architect for continuing the construction of the custom house at New Orleans, in the State of Louisiana.

On motion by Mr. Badger, and by unanimous consent

On motion by Mr. Badger, and by unanimous consent,
Ordered, That the Secretary of the Senate cause to be bound in suitable half-binding, as heretofore, the copies of the Congressional Globe and Appendix, ordered to be procured for the use of members at the last session of the 31st Congress.

Mr. Davis, of Mississippi, submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be instructed to certify to the President of the United States that Senate bill No. 4, "An act for the relief of the American Colonization Society," was presented for his signature without the suspension of the 17th rule, which was necessary for such presentation, having been agreed to by the Senate.

Mr. Cass submitted a motion for the appointment of a committee to wait on the President of the United States and inform him that the Senate having completed the business before them are now ready to adjourn, unless he may have any further communication to make to them.

The motion was amended on the motion of Mr. Badger, as follows:

Ordered, That a committee be appointed to wait on the President of the United States and inform him that unless he has some further communication to make, the Senate will close the session by adjournment at one o'clock to-morrow; and

On the question to agree to the motion as amended.

On motion by Mr. Mason,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Atchison, Badger, Bayard, Bell, Berrien, Borland, Cooper, Davis of Massachusetts, Davis of Mississippi, Dodge of Wisconsin, Dodge of Iowa, Foote of Mississippi, Foot of Vermont, Hale, Mangum, Morton, Rusk, Sebastian, Seward, Smith, Upham, Walker, Whitecomb,

Those who voted in the negative are,
Mr. —

Messrs. Cass, Dawson, Felch, King, Mason, Pearce, Pratt, Shields,
Soulé, Underwood.

On motion.

Ordered, That the President *pro tempore* appoint the committee; and Mr. Badger and Mr. Bayard were appointed.

Mr. Dodge, of Iowa, submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate a copy of the report of Captain Howard Stansbury, of the Corps of Topographical Engineers, of his exploration of the valley of the Great Salt Lake; if not transmitted before the close of the present session, that the same be received by the Secretary, and, together with the accompanying maps and drawings, be printed for the use of the Senate.

On motion by Mr. Walker,

Ordered, That Haym M. Salomon have leave to withdraw his petition and papers.

On motion by Mr. Underwood,

Ordered, That Wallace and McFadden have leave to withdraw their petition and papers.

The Senate proceeded to consider the resolution submitted by Mr. Davis, of Massachusetts, the 5th instant; which, having been amended on the motion of Mr. Davis, of Massachusetts, was agreed to as follows:

Resolved, That the Secretary of the Treasury be instructed to report to the Senate at the commencement of the next session of Congress the number of steamers in each collection district, their tonnage, the number of officers, crew, and other persons employed on board the same, the number of passengers carried on board the same annually, the average distance each passenger is carried, arranging ocean steamers in one class, propellers in another, ferry-boats in another, and ordinary steamers in another, stating the number propelled by high-pressure and the number by low-pressure engines.

Resolved, That the Secretary of the Treasury be further instructed to report to the Senate the number of shipwrecks of vessels of the United States, and the cause of such disasters, and the number of persons who thereby perished during the past year.

Mr. Foote, of Mississippi, submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be authorized and directed to contract with Richard Sutton for the reporting of the debates of the Senate of the United States for the Thirty-second Congress, provided the rate of compensation per column, equal to the columns of the present Union and Intelligencer, shall not exceed — dollars.

The Senate resumed the consideration of the resolution submitted by Mr. Borland, the 5th March, to authorize the purchase of a number of copies of the report of the Commissioner of Patents; and having been amended, the resolution was agreed to, as follows:

Resolved, That the Secretary of the Senate purchase, for the use of the Senate, 15,000 copies of the first part and 30,000 copies of the second part of the Report of the Commissioner of Patents for 1850 from the printer who shall print the same documents under the order of the last session of the House of Representatives, at a price not exceeding the rate at which said documents shall be paid for under said order of the House.

Mr. Badger, from the committee appointed to wait on the President of the United States and inform him that unless he has some further communication to make the Senate will close the present session by adjournment at 1 o'clock to-morrow, reported that they had performed the duty assigned them, and that the President replied that he had no further communication to make.

The Senate proceeded, by unanimous consent, to consider the resolution this day submitted by Mr. Davis, of Mississippi, respecting an enrolled bill (S. 4) presented to the President of the United States; and

On motion by Mr. Badger,
The Senate adjourned.

THURSDAY, MARCH 13, 1851.

The following message was received from the President of the United States, by Mr. M. P. Fillmore, his secretary:

To the Senate of the United States:

I hereby nominate James Gallier, of New Orleans, to be acting architect for continuing the construction of the custom-house at New Orleans, in the State of Louisiana.

MILLARD FILLMORE.

WASHINGTON, March 12, 1851.

The message was read.

The Senate, by unanimous consent, proceeded to consider the nomination of James Gallier; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom were referred, the 10th instant, the nominations of Israel B. Richardson, James N. Ward, Barnard E. Bee, Henry B. Clitz, Louis H. Marshall, John W. Alley, J. E. Maxwell, and Nicholas B. Pearce, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotion of the said persons in the Army of the United States, agreeably to their nominations respectively.

Mr. Dodge, of Iowa, submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the forthcoming report of Dr. David Dale Owen, United States geologist, on the geology of Iowa and Wisconsin; and also the forthcoming report of Messrs. Foster and Whitney, United States geologists, in relation to the iron region of Lake Superior, in Michigan, be ordered to be printed, together with the maps, diagrams, sketches of scenery, and illustrations which will accompany the same, respectively; and that the work be executed during the recess of Congress, under the special direction of the Commissioner of the General Land Office, in time to be presented to Congress at an early day of the next session.

Mr. Gwin submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate, at its next session, such information as may be in possession of the Executive Departments of the Government in regard to the claims of citizens of California for services rendered and moneys and property furnished in 1846 and 1847 in the conquest of that country.

Mr. Mangum submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the unanimous thanks of this Senate be, and the same

are hereby, tendered to honorable William R. King for the very able, dignified, and impartial manner in which he has presided over the deliberations of the Senate during this special session, now about to terminate.

The hour for the adjournment of the Senate having arrived, agreeably to the resolution of yesterday,

The President *pro tempore* declared the Senate to be adjourned *sine die*.